

March 23, 2004

Dr. Kent Hjelmstad, Chairperson  
Morton-Sioux Special Education Unit  
309 Collins Avenue  
Mandan, ND 58554-3000

Dear Dr. Hjelmstad,

The North Dakota Department of Public Instruction (NDDPI) Office of Special Education conducted a Verification Review in the Morton-Sioux Special Education Unit during January 20 - 23, 2004, for the purpose of assessing compliance in the implementation of the Individuals with Disabilities Education Act (IDEA) and assisting your Unit in developing strategies to improve results for children with disabilities. The IDEA Amendments of 1997 focus on “access to services” as well as “improving results for children and youth with disabilities.” In the same way, the Continuous Improvement Monitoring Process implemented by NDDPI is designed to focus federal, state, and local resources on improved results for children with disabilities and their families through a working partnership among NDDPI, the Morton-Sioux Special Education Unit, parents, and stakeholders.

In conducting its review of the Morton-Sioux Special Education Unit, NDDPI applied the standards set forth in the IDEA ‘97 statute and Part B regulations (34 CFR Part 300), as they were in effect at the time of the review. On March 12, 1999, the United States Department of Education published new final Part B regulations that took effect on May 11, 1999. In planning and implementing improvement strategies to address the findings in this report, the Morton-Sioux Special Education Unit should ensure that all improvement strategies are consistent with the new final regulations.

The enclosed report addresses strengths noted during the review, areas that require corrective action because they represent noncompliance with the requirements of the IDEA, and suggestions for improvements that will lead to best practice. Enclosed you will find an Executive Summary of the Report, an Introduction including Background Information, and a Description of Issues and Findings. NDDPI will work with you to develop corrective actions and improvement strategies to ensure improved results for children with disabilities.

Thank you for the assistance and cooperation provided by the Morton-Sioux Special Education Unit staff and Self-Assessment team members during our review. Throughout the course of the review, Mr. Tracy Klein, Director of Special Education, was responsive to requests for information and assistance from NDDPI personnel. Ms. Pam Engelhardt, Office Manager, was also extremely helpful in assisting the NDDPI monitors during the Verification Review process.

All administrators and educators interviewed were very cooperative and welcomed the NDDPI monitors to their schools.

Thank you for the continued efforts toward the goal of achieving better results for children and youth with disabilities in North Dakota. Since the enactment of IDEA and its predecessor, the Education of All Handicapped Children Act, one of the basic goals of the law, ensuring that children with disabilities are not excluded from school, has largely been achieved. Today, families can have a positive vision for their child's future.

While schools have made great progress, significant challenges remain. Now that children with disabilities are receiving services, the critical issue is to place greater emphasis on attaining better results. To that end, we look forward to working in partnership with the Morton-Sioux Special Education Unit to continue to improve the lives of individuals with disabilities.

Sincerely,

Robert C. Rutten  
Director of Special Education

Cc: Mr. Tracy Klein, Director, Morton-Sioux Special Education Unit

Enclosure

## EXECUTIVE SUMMARY

### MORTON-SIOUX SPECIAL EDUCATION UNIT

The attached report contains results of the Collaborative Review and Verification Review phases of the North Dakota Continuous Improvement Monitoring of the *Individuals with Disabilities Education Act (IDEA), Part B*, implemented in the Morton-Sioux Special Education Unit during the 2002 - 2003 school year. The process is designed to focus resources on improving results for children with disabilities and their families through enhanced partnerships between the North Dakota Department of Public Instruction (NDDPI), the Morton-Sioux Special Education Unit, parents, and stakeholders.

#### Monitoring Activities

Several means were used in the monitoring process to gather data, review procedures, and determine the extent to which the Morton-Sioux Special Education Unit is in compliance with federal and state regulations. The Collaborative Review phase of the monitoring process included the completion of a *Self-Assessment* by a Steering Committee and four individual task force committees comprised of private and public school administrators, special education personnel, parents, general education personnel, and adult services and advocacy agency representatives. The Steering Committee appointed individual task force committees consisting of a Parent Task Force, a Student Task Force, a Staff Task Force, and an Agency Task Force. Task force committees then convened to identify areas of focus, develop detailed activities to be performed, and identified committee members and facilitators. They also discussed and recorded processes and timelines for survey completion and focus group discussions. The Steering Committee then reconvened to review the findings of the individual task force committees. The Unit is to be commended for building positive relationships with committee member stakeholders, including parents and representatives from the ND Protection and Advocacy Project. The Self-Assessment process included a synthesis of the data collected to address the six principles of IDEA and resulted in recommendations and ongoing action steps for improvement planning.

The following Self-Assessment activities were completed by the Steering Committee as part of the Collaborative Review Process:

1. Review of data contained in previous compliance documents including internal monitoring data, number of students in private/home education settings, and a variety of other data collected by the Unit.
2. A sample of approximately 15% (103 files) of all special education student files were partially reviewed for compliance with IDEA regulations, utilizing the form provided in the NDDPI document *Special Education Monitoring Manual: Collaborative Review Process*. File review training was conducted for selected Core Staff members by NDDPI personnel. Then all Morton-Sioux special education staff completed file reviews under the supervision of Core Staff at Specialty Area meetings to ensure consistency. Student files were reviewed for compliance in procedural safeguards, assessment, and Individual Education Program (IEP) components. The Unit also implements a comprehensive ongoing internal monitoring process to monitor special education student files on a regular basis.
3. All secondary transition student files (226) were reviewed for compliance by Core Staff.

4. Staff, administrators, parents, students (both special education and general education), and agency personnel completed surveys and some focus group activities.
5. Parent focus group meetings were held in Mandan, Glen Ullin, and Fort Yates, with parents of children with disabilities serving as facilitators.
6. Two student survey forms were distributed; one for students receiving special education services and one for students in general education in Grades 6, 8, 10, and 12.
7. Compliance worksheets were completed and the results were analyzed by the Steering Committee.
8. Twenty-two community agencies participated in a telephone survey covering the topics of collaboration, clarity of roles and responsibilities, service provision, strengths and areas of needed improvement.
9. Data from the Morton-Sioux Special Education Unit were analyzed to compare the local school districts to the statewide averages on the *ND Performance Goals & Indicators*. This included the number of students served in special education; participation in statewide achievement assessments; student achievement in Reading, Language Arts, and Math; Least Restrictive Learning Environment settings; dropout rate; and transition follow-up outcomes.
10. Programmatic issues were analyzed to ensure that comprehensive and accurate information was used to identify issues necessary for the design of the unit improvement plan and opportunities for growth.

The *Verification Review* conducted by the NDDPI included an on-site meeting with members from the Morton-Sioux Special Education Unit Self-Assessment Steering Committee and the North Dakota Department of Public Instruction (NDDPI) staff. Interviews with school administrators, general educators, and special educators were conducted during the Verification Review Site Visitation on January 20 – 23, 2004. Focused special education file reviews were conducted on the special education records of 25 students following the compliance issues reported by the Morton-Sioux Special Education Unit's Steering Committee in their Self-Assessment report. The *1998 Morton-Sioux Special Education Unit P.L. 101-476 Compliance Monitoring Report* and current *Eligibility Document (2000)* were reviewed for comparison purposes with the current verification review. The *Morton-Sioux Special Education Unit Policies and Procedures Manual* was reviewed to ensure that the revisions contained within the *1997 Reauthorization of the IDEA* were addressed in the unit's policy. Information obtained from these data sources was shared with Mr. Tracy Klein, Director, and some members of the Morton-Sioux Special Education Unit Board, staff, and Steering Committee members in an exit meeting conducted on January 23, 2004.

The NDDPI staff members express their appreciation to the administrators, special education teachers, general education personnel, students and parents, office manager, and other agency personnel in the Morton-Sioux Special Education Unit who participated in the monitoring activities. Their efforts represent a commitment of time and energy without which the multipurpose task of monitoring could not be completed.

This report contains a description of the process utilized to collect data and to determine strengths, areas of noncompliance with the IDEA, and suggestions for improvements for fully realizing the six basic principles of the Individuals with Disabilities Education Act.

Education of Children and Youth with Disabilities  
Part B of IDEA

**Strengths**

The North Dakota Department of Public Instruction (NDDPI) observed several strengths during the Verification Review visit to the Morton-Sioux Special Education Unit. The strengths observed by the NDDPI monitoring team are listed below:

- A comparison of the results obtained during the 1997-98 Morton-Sioux Special Education Unit monitoring indicated that inservice training, policies and procedures updates, form revisions, and an organized filing system have resulted in improved compliance. Issues cited in the 1998 monitoring report including: integrated written assessment reports and assessment plans in files, awareness and implementation of suspension and expulsion policies and procedures, procedures for monitoring hearing aids, documented discussion of nonacademic and extra curricular activities, procedural safeguards, and surrogate parent policies and procedures are not considered to be out of compliance at this time.
- A comprehensive and continual internal monitoring process is utilized to assure compliance with IDEA regulations and provide teacher skill development. Outcomes are measured and utilized for improvement planning across the Unit.
- The special educators and Unit coordinators were described as professional, respected, and always available when needed. Many favorable comments were made about the Unit Director's knowledge, support, and responsiveness. Tracy Klein has exhibited leadership within the Unit and has also participated in state level activities including the statewide IDEA Advisory Committee, the Autism Task Force, and other workgroups.
- Dropout rates at Mandan Public Schools have improved although still somewhat lower than state graduation rates.
- Evaluation procedures and documentation found in student files has improved.
- Positive collaboration is occurring between special education staff members and general education staff members.
- The Mandan Early Childhood Special Education center-based program continues to strengthen collaboration with other early childhood entities and is beginning to provide more services in neighborhood schools.
- Compliance with procedural safeguards is consistently implemented throughout the Unit.
- The Unit has established an Assistive Technology (AT) Team to provide supports and resources to students and teachers.

**Areas of Noncompliance**

NDDPI observed the following areas of noncompliance:

- Documentation of parent involvement in the assessment planning process is weak or absent.
- Documentation of a learning disability in one of seven areas was not found in student assessment reports.
- Student IEPs and prior notices did not include all of the required secondary transition components for students ages 14 and older.

- Not all student IEP reviews were completed within the one year requirement.
- Annual goals did not include all required components.
- Appropriate discussion of consideration for Extended School Year (ESY) services is not documented on student IEPs.
- Discussion of Least Restrictive Environment (LRE) options and decision-making is not clearly documented on student IEPs.

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## INTRODUCTION

Background, Administrative Structures, and Children Served: The Morton-Sioux Special Education Unit is made up of the city of Mandan, Morton County, and Sioux County, and covers a geographical area of almost 3000 miles located in the south central part of North Dakota. Membership in the Unit includes nine public school districts. Central administration staff, based in Mandan, serves the school districts of Almont, Fort Yates, Glen Ullin, Hebron, Mandan, New Salem, Selfridge, Solen-Cannon Ball, and Sweet Briar. The ND Youth Correctional Center (NDYCC) is located south of Mandan and facility special education staff members are included in Unit training and departmental meetings. Dr. Bernie Rodel, NDYCC Superintendent, serves as a member of the Morton-Sioux Board of Directors. Private schools located in the Unit are St. Joseph's Catholic School, Christ the King Catholic School, Immanuel Christian School, and St. Bernard's Mission School. The total average daily membership (ADM) for the cooperating school districts was 4,822 (2003) with a special education child count of 777 students receiving special education services for a 16.11% placement rate. Total enrollment numbers show a decline in student numbers while the percentage of students receiving special education services shows a slight increase of 2.2% from the previous year.

The Unit is designed to share administrative and consultative staff, policies, procedures, internal monitoring, and in-service training opportunities. Member schools assume the responsibility for providing a free and appropriate education to every child whose parents reside in that school district. Schools provide qualified teachers, access to educational opportunities with other students who are not disabled, instructional materials, transportation, and other educational benefits afforded to all students attending the school district. Approximately 59 (FTE) professional staff positions and 96 (FTE) paraprofessional positions are located throughout the Unit.

The Morton-Sioux Special Education Unit central office staff consists of a Director of Special Education, an Office Manager, two Program Coordinators, a Child Find Coordinator, and three School Psychologists. Districts throughout the Unit employ professional special education staff members and related services personnel.

In the 1998 Morton-Sioux Compliance Monitoring Report, NDDPI observed that, "Special education services do not seem equally available in all regions of the Unit. There may even appear to be three separate units: Mandan schools, Morton County schools, and schools located in the southern region of the Unit in Sioux County." At that time it was noted that there were significant staffing concerns in the southern region of the Unit. In preparation for this current Verification Review on-site visit, plans were made to interview staff at each of the school districts within Sioux County. In the 2002 – 2003 school year, NDDPI received twelve individual complaints filed on behalf of students with disabilities that alleged violations of IDEA in one Sioux County school district. This represented approximately one-third of all of the IDEA complaints that NDDPI received statewide during that school year. A number of the issues in the Sioux County complaints involved the lack of services by qualified personnel, also an issue noted in the previous Morton-Sioux Compliance Monitoring Report (4-28-98).



In recognition of the unique circumstances surrounding the follow-up to the corrective actions required for the complaint investigation reports from 2002 – 2003, NDDPI helped coordinate additional activities to address a number of related issues. NDDPI funded the facilitation of a parent focus group activity in Sioux County. Additionally, NDDPI and the ND Department of Human Services (IDEA, Part C) co-facilitated a series of meetings with multiple agencies who provide services to children with disabilities and their families in Sioux County. These meetings continue at this time. Currently, planning is also occurring for technical assistance regarding appropriate early childhood special education services in Sioux County.

Verification Review and Data Collection: The Morton-Sioux Special Education Unit began the Collaborative Review process in October 2002 after attending training provided by the North Dakota Department of Public Instruction (NDDPI). The Self-Assessment Team and Sub-Committees conducted the Self-Assessment processes throughout the 2002-2003 academic year and submitted the Self-Assessment Report to NDDPI in November 2003. The Self-Assessment Report included the data analysis of student record reviews, focus group summaries, survey information, and program quality indicators.

The North Dakota Department of Public Instruction monitoring team visited the Morton-Sioux Special Education Unit on January 20 – 23, 2004, for the purpose of validating the information provided through the Collaborative Review process. This included a review of the new requirements under the IDEA, Amendments of 1997, and compliance to findings from the *1998 Morton-Sioux Special Education Unit State Monitoring Report*. On January 20, 2004, NDDPI staff members met with Tracy Klein, Director of the Morton-Sioux Special Education Unit, and the Self-Assessment Steering Committee to review and discuss the Self-Assessment Report. NDDPI visited Mandan Senior High School, Mandan Junior High School, and five elementary schools in Mandan; the Mandan Early Childhood Special Education Program, and six of the other public school districts served by the Morton-Sioux Special Education Unit on January 20 – 23, 2004. Focused student record reviews, including Individualized Education Programs (IEPs) and Integrated Written Assessment Reports (IWARs), were completed for 25 student files. Interviews were conducted with 64 special education staff, general education teachers who teach children with disabilities in their classrooms, and administrators. Preliminary results and findings of the Verification Review Visit were presented to staff members of the Morton-Sioux Special Education Unit in a summary meeting at the end of the site visit on January 23, 2004.

#### Verification Review: Sioux County

As part of the verification review planning, it was determined to devote intensive monitoring activity to the schools in Sioux County. Fifteen individuals from Sioux County schools were interviewed by NDDPI monitors. Six special education staff members, five general education administrators, and five general education classroom teachers were interviewed.

NDDPI monitors heard many comments from Sioux County educators about the merits and drawbacks of a possible withdrawal from the Morton-Sioux Special Education Unit. Some felt that a single special education administrative structure in Sioux County for both BIA and public schools, separate from the Morton-Sioux Special Education Unit, was desirable, whereas others worried that services would deteriorate. There were also favorable comments expressed about

the services Sioux County schools received from the Morton-Sioux coordinators and unit administrative office.

A number of the compliance issues that were noted in Sioux County schools, e.g., secondary transition, extended school year services, and availability of qualified personnel were also observed in other parts of the unit. Those issues are discussed in this report in conjunction with the other schools located throughout the Morton-Sioux Special Education Unit.

#### Verification Review: Significant Number of IDEA Complaints and Corrective Actions

A significant number of written complaints were filed and investigated in one school district belonging to the Morton-Sioux Unit during the 2002 – 2003 school year. Alleged complaints filed on behalf of twelve students, ranging in age from early elementary to late secondary grade levels, were investigated by NDDPI and resulted in findings of at least one violation per student. Some complaints resulted in multiple violations of rights for some students. Compliance issues included lack of services by qualified personnel, lack of extended school year services, lack of progress reporting to parents, inappropriate IEP goals and objectives, inappropriate eligibility determination, delayed evaluation time, lack of transfer of rights at age 18, and delayed or absent annual review of IEP. The school district has been cooperating with the Department to complete required corrective actions appropriately and according to mandated timelines.

During the Verification Review visit, NDDPI monitors completed extensive on-site interviews with school district staff and carefully reviewed current student files for each of the students still attending this school where corrective actions have been implemented. The Department concludes that appropriate qualified special education staff members are now employed by the district resulting in improved services and assurance of procedural safeguards for students with disabilities. The school district is encouraged to continue with diligence in maintaining this level of compliance with IDEA, in collaboration with, and support from, the Morton-Sioux Special Education Unit.

Improvement Planning: In response to this report, the Morton-Sioux Special Education Unit will develop an action plan including specific *Improvement Strategies* addressing areas identified as noncompliant, within 60 days of receipt of this report. The NDDPI Special Education Regional Coordinator assigned to the Morton-Sioux Special Education Unit will serve as a resource for improvement planning purposes, and will respond in writing to indicate approval of Improvement Strategies submitted by the Unit. If needed, the regional coordinator may be contacted for suggested formats to be used for the development and documentation of the Improvement Strategies.

It should be noted that, as a general rule, noncompliance would be cited when a violation is found in 15 percent or more of the student files or other data reviewed. However, some violations are considered so serious as to be cited if even one incident is noted. Violations of this nature include, for example; not conducting an assessment before placement, lack of evidence of parent consent, or other critical information that must be maintained in a student's file.

Suggestions for improved results for children do not require a formal response from the Unit. However, the NDDPI encourages the Morton-Sioux Special Education Unit to consider the

suggestions for further study and improvement planning as a means of strengthening the system of services to children with disabilities.

An outline of improvement planning, or Opportunities for Growth, was included with the Morton-Sioux Self-Assessment submitted to NDDPI on November 14, 2004. The Morton-Sioux Special Education Unit special education director is encouraged to continue refinement of improvement planning strategies with specific action steps and timelines as a logical next step in the Continuous Improvement Monitoring Process.

#### Report Organization

The remainder of this report presents information in each of six areas, which reflect the six principles of the Individuals with Disabilities Education Act (IDEA). They are zero reject, nondiscriminatory evaluation, free appropriate public education, least restrictive environment, parent involvement, and procedural safeguards. Each section describes strengths and concerns identified in the Morton-Sioux Special Education Unit Self-Assessment Report, areas of strength identified by the NDDPI Verification Review team through interviews and student file reviews, and other sources; areas of noncompliance; and suggestions for improved results for children.

## I. ZERO REJECT

*All children with disabilities must be provided with a free appropriate public education (FAPE). All children with disabilities, and who are in need of special education and related services, must be identified, located, and evaluated.*

Procedures are in place for the identification of students with disabilities ages 3 – 21 throughout the Morton-Sioux Special Education Unit. As reported in the *Morton-Sioux Eligibility Document (2000)*, the Unit assures ongoing efforts to identify, evaluate, and serve children with disabilities. The Unit employs a Child Find Coordinator who facilitates screening activities throughout the Unit in collaboration with agency personnel.

Parent survey data reported in the Morton-Sioux Self-Assessment Report indicated that only 67% of parents responding said that their child was referred to special education after other options within general education were tried or considered.

During the interviews that NDDPI monitors conducted as part of the Verification Review, respondents were asked to “Describe the Building Level Support Team (BLST) activities in your school.” Further probes included questions regarding Unit and school policies, notification and involvement of parents, record keeping procedures, the time line from pre-referral to referral for a special education evaluation, and responses to parent requests for evaluation. Those interviewed seemed aware of the process, however several school administrators stated that they did not have a team in place. Another secondary general educator, who was a member of the local team, stated that their team had not met at all this year. One special educator stated that general education teachers often waited too long to access the building level support team. At that point, the students are having a great deal of difficulty in the classroom and the need for referral and evaluation becomes more immediate. Variability among schools, and differences between elementary and secondary schools, was also noted. Some commented that the building administrator is vital to a strong pre-referral process. Although administrators at small rural schools within the Unit articulated a stronger ownership of “all children”, they also tended to note some difficulty getting services in a timely manner, including assessments, when needed. The BLST process seemed to be stronger in Mandan elementary schools rather than in the Junior or Senior High School. Again, building level leadership and ownership of all children was reflected in stronger pre-referral processes. As reported in the Self-Assessment Report, almost half of educators responding said either no, or they didn’t know, if their school had sufficient pre-referral interventions and support services available to maintain at-risk students within the general education program (BLST). At the same time, 84% of administrators responded that their schools do have sufficient pre-referral interventions and support services available to maintain at-risk students within the general education program.

Data on out-of-school suspensions/expulsions (2002 – 2003) for students with disabilities was included in the Morton-Sioux Self-Assessment Report. No students with disabilities were removed from school for more than ten school days. An individual student file review of suspended/expelled students indicated that appropriate procedures are followed, including IEP team meetings, functional behavior assessments, and manifestation determinations. Behavior support plans are developed and implemented when appropriate.

Unit wide drop out data and analysis shows that students with disabilities choose to leave school after age 16 at a commensurate rate when compared to all students statewide (2.5%). Only two students receiving special education services from the Morton-Sioux Unit left school in 2001 – 2002. Both students were identified as emotionally disturbed. An analysis of drop out data for all students at Mandan High School over a five-year time period, shows a significant improvement in lessening the total number of drop outs from 77 students in 1998 – 1999 to 18 students in 2002 – 2003.

NDDPI reviewed and analyzed the data and identified the following strengths and suggestions for improvement.

### STRENGTHS

Mandan Public School is to be commended for a noticeable reduction in the number of students who drop out of school. A recent local newspaper article reports that extensive data collection, analysis, and improvement planning regarding this issue will be the focus of task force activities in the areas of truancy, school culture, parental outreach and assistance for students who have difficulty learning in a traditional environment. The Morton-Sioux Unit is encouraged to assist all other school districts in the Unit to track similar data. In addition, the Unit is encouraged to analyze the number of students with disabilities within each district that choose to drop out of school. Dropouts in rural Morton County may not be an issue, however, careful analysis of drop out rates in Sioux County schools is warranted.

### SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

Through interviews it was noted that while the BLST procedures are mostly in place across the Unit, they are applied inconsistently due to various factors. It seems, however, that the building administrator is the key player in supporting and maintaining a strong pre-referral process. NDDPI strongly encourages continued skill development in the area of classroom supports and interventions. NDDPI further encourages the Morton-Sioux Special Education Unit to study the effectiveness of the BLST process in terms of increased skills of educators and administrators and resulting impact on student achievement and other outcomes. Examining the BLST process will require consistency across the Unit, particularly in terms of the extent of training effectiveness, information collected, and other factors.

Some general educators interviewed stated that they felt that the BLST process further delayed the referral process. The BLST activity is part of the regular education process. As explained in state guidelines, "...the BLST is a general education support system for assisting teachers and principals to create educational adaptations in the classroom for all students experiencing difficulties in school. Teams are designed to provide prompt, relevant and accessible support to teachers. This collegial system is operated by the teachers within a school who have the mission of providing collaborative assistance to anyone in the school needing support for resolving a problem [*Building Level Support Teams*, NDDPI, January 2000, p. 2]."

The Department reiterates that BLST activity is not part of the special education evaluation process required by IDEA. IDEA referral and evaluation may be conducted without BLST activity as a precursor. Rather, BLST procedures *may be used* to document efforts to provide

alternative classroom interventions and supports to general education teachers before students are referred for a special education evaluation or other support services, especially when a specific learning disability is suspected. However, BLST procedures *may not be used* to delay referral and evaluation if a disability is suspected. Morton-Sioux Special Education Unit uses an appropriate BLST procedure and recommends that teams implement several 20-day interventions before proceeding to referral for special education evaluation. While this procedure may be appropriate for most students experiencing difficulty in school, it cannot be used to delay referral, assessment and eligibility determination unnecessarily.

## II. NONDISCRIMINATORY EVALUATION

*Any child with a suspected disability must receive a full, individualized evaluation, which meets specific standards, and includes information from a variety of sources.*

A sampling of file reviews conducted during the Morton-Sioux Special Education Unit Self-Assessment process showed over 85% compliance in 17 of the 20 procedural requirements for assessment areas monitored. Parent prior notice was at 80% compliance. Documentation or evidence of parent involvement in assessment planning was at 81% compliance. One area of noncompliance was specific to an additional requirement for specific learning disability (SLD) eligibility where the student must be identified as learning disabled in one of seven areas (83%). The Self-Assessment Report included data from file reviews that reported 97% compliance with current evaluations in student files.

As reported previously under Zero Reject, there may be some valid concerns regarding delay in initial evaluation that surfaced in comments during interviews with NDDPI monitors. Delay in evaluation has been a compliance issue identified in several recent complaints investigated in Morton-Sioux Unit schools.

The previous Morton-Sioux Compliance Monitoring Report (4-28-98) identified 5 situations where the required reevaluation had not occurred within the three-year time limit. NDDPI monitors reviewed sample files for completion of reevaluation within the three-year time limit.

A sampling of file reviews conducted by NDDPI monitors supported the results of the file review data cited in the Morton-Sioux Special Education Unit Self-Assessment Report in the areas of documentation of parent involvement in the assessment planning process, and identification of a learning disability in one of seven areas. Copies of assessment plans and integrated written assessment reports were reviewed during the Verification Review visit. Parent prior notices were found in student files monitored by NDDPI.

The Morton-Sioux Special Education Unit special education director has assured NDDPI that state recommended *Guidelines: Evaluation Process (8/1/99)* has been adopted by the Unit and is being used by special education staff members.

NDDPI reviewed and analyzed the data and identified the following areas of strength, noncompliance, and suggestions for improvement.

## STRENGTH

When compared to the previous compliance monitoring report (4-28098), evaluation procedures and documentation have improved. Assessment plans and integrated written assessment reports (IWAR) are more comprehensive and better integrated to describe individual students and how their disabilities impact learning. However, as discussed in other sections of the report, documentation of parent input is missing from Assessment Plans and IWARs.

## AREAS OF NONCOMPLIANCE

### Parent Involvement – Assessment Planning

Evaluation must be completed by a group that includes the individuals required by 34 CFR 300.344 (multidisciplinary team). The parents play an important role in the evaluation process and must be part of their child's multidisciplinary team. NDDPI monitors found documentation of parent involvement during evaluation in 80% of the student files sampled. NDDPI concurs with the findings reported in the Morton-Sioux Self-Assessment that this is an area of noncompliance.

### Additional Procedures for Evaluating Children with Specific Learning Disabilities

34 CFR 300.540-300.543 describe additional requirements the district must follow when evaluating a child with specific learning disabilities. NDDPI monitors reviewed files for seven students identified as having specific learning disabilities, and verified data reported in the Morton-Sioux Special Education Unit Self-Assessment as noncompliant in documentation of a learning disability in one of seven areas. Two of the seven files monitored by NDDPI monitors did not indicate a learning disability in one of seven areas in the integrated assessment report.

## SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

### Length of Time for Evaluation Process

NDDPI monitors identified two student files where the reevaluation was not completed within the three-year time limit. NDDPI monitors also noted many comments during on-site interviews that although special educators are greatly appreciated and excellent at their jobs, they are very often “spread too thin and have high caseloads” and evaluations are sometimes delayed. This comment was noted at least 15 times during interviews with general educators, special educators, and administrators. Although it is clearly understood that each school district member must provide qualified special education staff, the Unit should consider conducting an in-depth analysis of this issue and assisting the districts in addressing this need for timely evaluation and provision of services. Lack of qualified special education staff will continue to be a need, especially for the rural county schools, throughout the Unit. As noted previously, the lack of qualified staff is directly related to noncompliance with IDEA and has resulted in findings of violations during recent complaint investigations in the Morton-Sioux Special Education Unit. A proactive and long-term plan for recruitment and retention will be beneficial to all districts in the Unit.

### III. FREE APPROPRIATE PUBLIC EDUCATION

*An IEP team, which includes the child's teacher, the child's parent(s), an administrator, and a special education teacher, must develop an educational program tailored to meet the child's unique needs.*

The Morton-Sioux Special Education Unit Self-Assessment Report file review indicated a range of 92% to 99% compliance for 17 of 20 procedural requirements in Free Appropriate Public Education (FAPE) and IEP sections monitored. Items reported below the standard included required team members (including the students over age 14) at 69%; reviewed every 12 months at 81%; and characteristics of services at 83%. A separate analysis of student IEPs for behavior goals, objectives, accommodations, and appropriate behavior plans was conducted by Unit staff. A summary included in the Self-Assessment reported some concerns with clearly documented connections between the present levels of educational performance and behavior goals. A separate analysis of file reviews for all students with transition plans indicated the following concerns:

- Incomplete prior notices (student not invited to IEP, and transfer of rights);
- Other agency contacts not addressed or documented;
- Missing components across all areas of the transition IEP forms including Statement of Transition Service Needs and Statement of Needed Transition; and
- Documentation of Transfer of Rights (age 18) procedure.

Survey input gathered from parents during the Self-Assessment process yielded patterns indicating an expression of overall satisfaction (92%) with services being provided through the Unit. Student survey responses showed that 87% of students receiving special education services felt they were receiving an education that met their needs.

Input from administrators included in the Self-Assessment Report indicated appropriate access and utilization of services through the Unit. The administrators expressed an appreciation for the quality of staff and services provided through the central special education offices. The administrators (97%) also reported that general education teachers might not have sufficient training to modify and adapt general curriculum to meet the needs of children with disabilities in their classrooms. Areas of need noted by administrators are materials for limited English proficient students and Assistive Technology (AT) equipment.

Although 74% of students surveyed during the Self-Assessment process agreed that the special education services received were meeting their needs, only 67% responded that they felt welcome and were treated respectfully in their schools. In addition, only 67% of students responding agreed that teachers set challenging goals and expectations for them.

The Morton-Sioux Special Education Unit special education director has assured NDDPI that state recommended *Guidelines: Individualized Education Program Planning Process (8/1/99)* was adopted by the unit and is being used by special education staff members. During interviews conducted by NDDPI monitors as part of the Verification Review, respondents were asked to describe the IEP development process, including specific questions related to:

- IEP team members;



- The role of the administrative representative;
- Parent attendance and participation;
- What happens if the IEP needs to be changed before the due date;
- Supports for students with emotional or behavioral concerns;
- Transition planning; and
- Extended School Year (ESY) discussion.

Student file reviews completed by NDDPI monitors included the IEP components indicated above in addition to special factors, extended school year, and least restrictive environment. NDDPI monitors also reviewed seven additional IEPs for students of transition age.

The Morton-Sioux Self-Assessment Report indicated 99% compliance for Annual Goals included in IEPs. Indication of quality of Annual Goals, however, was not given. When monitoring student files for IEP Annual Goals, NDDPI monitors reviewed all required components including behavior or skill, desired ending level of achievement, intent or purpose, basis in present levels, reasonably attainable in one year, and individualized to student needs.

The Self-Assessment Report also showed 96% compliance for completion of the Extended School Year (ESY) section of the IEPs reviewed. The Self-Assessment Report included a statement that “ESY is considered for all students and is offered for eligible students, in accordance with an IEP team’s determination of service time.”

NDDPI monitors reviewed and analyzed the data and identified the following areas of strengths, areas of noncompliance, and suggestions for improvement.

### STRENGTHS

Administrators, and both general and special educators, interviewed by NDDPI monitors indicated a very high level of appreciation for services received from the Morton-Sioux Unit central administration office. The Unit Director, Coordinators, and school psychologists were often referred to as polished, professional, and quick to respond to needs. The Coordinators are visible and supportive to all schools throughout the Unit. One of the rural county school administrators noted that the Director is “a real leader with a genuine concern for the students and his leadership is reflected in the special education staff.” Special education staff members interviewed expressed appreciation for consistent “specialty area meetings” and professional development opportunities.

The Mandan Early Childhood Special Education center-based program continues to strengthen collaboration with Infant Development, Head Start, and community childcare centers. Efforts to provide special education services in neighborhood schools are ongoing. NDDPI monitors noted that collaborative efforts between Unit programs and Head Start programs in Fort Yates are also improving.

The Unit has established an Assistive Technology (AT) Team. Although policies and procedures for AT was an issue in the previous Morton-Sioux Compliance Monitoring Report (4-28-98), this area has improved over the years. During interviews, the Unit’s AT Team was referred to as a strength of the Unit and a resource for teachers and students.

## AREAS OF NONCOMPLIANCE

### Transition

34 CFR 300.347(b)(1-2) contains specific requirements for students with disabilities beginning at age 14. In review of files for students of transition age, NDDPI monitors found evidence to support the summary of concerns reported in the Unit Self-Assessment. IEPs do not consistently include all required components of the transition IEP; prior notices are not consistently and correctly completed; and other agency contacts are not being addressed or documented. Compliance with transition requirements was also cited as an area of noncompliance in the previous Morton-Sioux Compliance Monitoring Report (4-28-98).

### IEP Annual Review

34 CFR 300.343 requires that IEPs must be reviewed every 12 months. The Morton-Sioux Self-Assessment Report showed 81% compliance. NDDPI monitors found 5 of 25 files reviewed were past due from 4 weeks up to 3 months and no justification was given to explain the delay. This is a critical compliance area that should be maintained at 100%.

### Annual Goals

34 CFR 300.347 requires that goals be measurable and include short-term objectives intended to meet the child's educational needs resulting from the child's disability. Although the Morton-Sioux Special Education Unit Self-Assessment Report indicated that 99% of student files reviewed included annual goals, the NDDPI monitors did not verify this level of compliance for all components of annual goals. NDDPI monitors found 68% compliance for desired ending level of achievement, 76% compliance for reasonably obtainable in one year, and 72% compliance for individualized to the student. Although somewhat improved this time, the same compliance issues were identified for annual goals in the previous Morton-Sioux Compliance Monitoring Report (4-28-98).

### Extended School Year (ESY)

34 CFR 300.309 states that ESY services must be available as necessary in order to provide free appropriate public education to children with disabilities. The Morton-Sioux Self-Assessment Report indicates 96% compliance for completion of the ESY component on the IEP form. NDDPI monitors noted during focused file review that although the Morton-Sioux Unit IEP form includes boxes to be checked for ESY, plus a sentence on the form stating, "Justification for the decision made MUST BE STATED BELOW"; justification statements were often missing from IEPs. When statements were written, they were 'canned statements' and did not clearly explain why, or why not, the student needed ESY services.

During interviews conducted by NDDPI monitors, respondents were asked to "Describe the process for determining ESY services for students" and "Are all children with a disability considered for ESY services." Five administrators could not clearly describe the process, three administrators stated there were no ESY services, three administrators said the only ESY services available were "Title" programs, and one administrator stated that ESY services were only for "severe MR students." Three general education teachers responded that there were no ESY services available, six general educators said the only services available were the "Title"

services, and two general educators said that ESY services were only for “severe students.” Five special education teachers could not clearly describe the process for determination of ESY services, four special educators said there were no services available, eleven special education teachers said the only ESY services available were “Title” programs, and six special educators said ESY services were for “severe MR students” only.

Although appropriate policies, procedures, IEP forms, and ESY guidelines are in place to assure consideration for ESY services, it is evident from interviews that authentic discussion and decision making is not consistently occurring during IEP meetings. In addition, the lack of ESY services actually being provided throughout the Unit is an indicator that IEP team members are not fully aware of the requirement to provide services when needed based on individual student needs.

#### SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

The Morton-Sioux Self-Assessment Report indicated a need to invite and include relevant outside agency personnel in IEP meetings when appropriate. NDDPI encourages the Morton-Sioux Unit to continue improvement planning activities in this area.

NDDPI monitors noted that although IEP present levels of educational performance are generally well written, they do not include evidence of parent input. The Morton-Sioux Unit is encouraged to focus on professional development activities for special education staff in building skills to solicit parent input that can then be clearly documented in the IEP.

#### IV. LEAST RESTRICTIVE ENVIRONMENT (LRE)

*To the maximum extent appropriate, children with disabilities must be educated with their non-disabled peers. Placement decisions must be based on the goals and objectives in the child's IEP.*

As indicated in the Morton-Sioux Special Education Unit Self-Assessment Report, 99% of the files reviewed completed the LRE justification section. The Self-Assessment Report further states that Unit LRE “data is similar to state averages in most categories of service delivery” and that “all students with IDEA defined disabilities are served in their home districts.”

During interviews conducted by NDDPI monitors, respondents were asked to “Describe the process for determining LRE.” Further probes included questions regarding documentation of LRE decisions, determination of placement and harmful effect, and the continuum of educational services available. Further, educators and administrators were asked to describe the nature of collaborative efforts between general and special education teachers, as well as modifications and adaptations made to the general education curriculum to meet the needs of students with disabilities. Student file reviews completed by NDDPI monitors included a check of documentation of LRE decision-making, discussion of harmful effect, participation in general education, and evidence that students are educated in neighborhood schools unless otherwise determined by the IEP team.

NDDPI monitors reviewed and analyzed data and identified the following areas of strengths, noncompliance, and suggestions for improvement.

### STRENGTHS

During interviews conducted by NDDPI monitors, educators and administrators expressed an appreciation for the positive collaboration that occurs to support students with disabilities participating in the general education classrooms.

### AREAS OF NONCOMPLIANCE

#### LRE Justification

34 CFR 300.552 includes the requirements for appropriate placement of a child with a disability. Although the Morton-Sioux Self-Assessment Report indicates 99% compliance for completion of the LRE justification, NDDPI monitors noted that five IEPs reviewed did not clearly describe why LRE options were chosen, and other options discussed and rejected.

### SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

During interviews conducted by NDDPI monitors, a special education teacher stated, “some parents would prefer that their children (in special education) go to the school where their siblings are going to school (in Mandan).” Some populations of elementary students, including children with mental retardation (MR) and emotional disturbance (ED), are attending centralized programs in schools that are not their neighborhood schools. Even though students are “served in their home district” as reported in the Morton-Sioux Self-Assessment Report, it is clear that some students in Mandan are not able to remain in their neighborhood schools. NDDPI recommends careful study and analysis of this issue. IDEA not only requires a continuum of appropriate placements options, but also intends “that the child is to be educated in the school which he or she would attend if he/she had no disability.”

The Morton-Sioux Self-Assessment Report included student survey (Grades 6, 8, 10, 12) information that indicated only 69% of respondents in special education “felt welcome in their schools and treated with respect.” While this is reported as comparable to 67% of all students in those grades who responded in the same way, NDDPI notes concern for the other 51% of the respondents who do not feel welcome or respected in their schools. The Morton-Sioux Unit is encouraged to focus improvement planning efforts to increase student supports in the school settings for students with disabilities.

## V. PARENT INVOLVEMENT

*Parents have the right to have access to their child’s educational records. Parental consent is required for initial evaluation, reevaluation, and placement. Parents must be included in IEP team decisions, and parents must be notified of their right to appeal.*

As part of the Morton-Sioux Self-Assessment process, focus groups utilizing a parent moderator were offered to parents at three locations throughout the Unit. Input received from parents was summarized and analyzed to determine patterns of positive comments, issues, and concerns. Parents who attended focus groups were invited to give feedback on five general topics: special education services, IEPs, free and appropriate public education, secondary transition services,

and parent involvement. After focus group meetings, parents were asked to rate the overall level of satisfaction of their child's educational program. On a scale of 1 (low) to 10 (high) the Unit received a mean rating of 8.7 (above average).

Parent surveys were sent to all parents of students receiving special education services. Of 739 surveys sent out, 251 were returned for a return rate of 34%. The Morton-Sioux Parent Task Force analyzed the data and identified the following areas of strength: services are provided in a timely manner; parents participate in the IEP process and feel comfortable asking questions or expressing concerns; copies of IEPs are received in a timely manner; needed adaptations are provided and similar grade level curriculum is taught to their children. Areas needing improvement were noted to include opportunities for involvement in policy and program development and evaluation; and some expressed concerns about "bullying."

During interviews conducted by NDDPI monitors, many educators and administrators reported strong parent involvement and participation in IEP meetings. However, as noted during interviews with school personnel in Sioux County, parent involvement continues to be a concern for Sioux County schools. Student file reviews completed by NDDPI monitors included a check of parent involvement and decision-making in the evaluation and IEP processes and placement. Concerns regarding documentation of parent involvement in assessment planning and input to the IEP process are discussed earlier in this report.

NDDPI reviewed and analyzed the data and identified the following suggestions for improvement.

#### SUGGESTIONS FOR IMPROVEMENT

NDDPI encourages the Unit to continue to seek out and offer opportunities for parent involvement. Parent involvement is recognized as an important indicator of a school's success and has positive effects on children's attitudes and behaviors. Partnerships positively impact student achievement and benefit school personnel as well.

### VI. PROCEDURAL SAFEGUARDS

*Procedural safeguards include impartial due process hearings, the right to an independent educational evaluation, written notification to parents explaining their rights, parental consent, and appointment of surrogate parents, when needed.*

The Morton-Sioux Special Education Unit Self-Assessment Report file review indicated a range of 94% to 100% compliance for 9 of 10 procedural safeguards monitored. The only item reported below the standard was "independent evaluation information considered and included in the IWAR" at 83% compliance. No other concerns for procedural safeguards were reported in the Self-Assessment Report.

Student file reviews completed by NDDPI monitors included specific items for parent consent for initial evaluation and placement, and parent prior notice for assessment planning. The compliance issue of documentation of parent involvement in the assessment process was

discussed in Section II. of this report. NDDPI monitors did not identify any areas of noncompliance in procedural safeguards. Record locators were found in all student files reviewed by NDDPI monitors. A review of the current *Eligibility Document (2000)* and the *Morton-Sioux Special Education Unit Policies and Procedures Manual* verified that appropriate policies and procedures are in place for independent educational evaluations, limited access, and record of inspection.